



Mitchell E. Daniels, Jr.
Governor

Judith A. Monroe, M.D.
State Health Commissioner

Indiana State Department of Health

An Equal Opportunity Employer

IN RE THE MATTER OF:

Joe Hunsaker
Hissho Sushi
11949 Steel Creek Road
Charlotte, NC 28273

Re: Variance Request Dated April 15, 2008 and Section 187,
Potentially hazardous food; cold and hot holding

Order to Grant a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Mr. Joe Hunsaker, Hissho Sushi, Sushi Bar located at Kroger Store #976, 8801 US 24 West, Ft. Wayne, IN 46804.

This variance is based on the variance application submitted on April 15, 2008.

Order

This variance is subject to the following terms and conditions and is valid only for the time specified herein:


1. A variance is hereby issued to Mr. Joe Hunsaker, Hissho Sushi, Sushi Bar located at Kroger Store #976, 8801 US 24 West, Ft. Wayne, IN 46804 for the requirement of 410 IAC 7-24-187 which requires potentially hazardous food products to be maintained at proper temperatures at a food establishment. This variance allows Hissho Sushi to use a recipe to convert the sushi rice from a potentially hazardous food to a non-potentially hazardous food, thereby not requiring temperature control under the following conditions:
 - A. All employees must be trained on the SSOP's, pH verification procedures, the sushi rice HACCP plan, and the conditions of this approval;
 - B. A pH log shall be maintained to verify compliance with the pH requirements of the HACCP plan;
 - C. The Department shall be notified of any substantive changes in the product manufacturing process that may affect the accuracy of challenge studies or HACCP plan criteria;

- D. The controls for meeting the conditions of this approval shall be assessed by the local health department on each inspection to insure compliance with your SSOP's and HACCP plan;
 - E. A copy of this approval letter and the HACCP plan must be kept onsite in the establishment at all times and readily available for review by the local or state health department personnel;
 - F. A Certified Food Handler is provided for this location to properly oversee all food safety requirements; and
 - G. The facility person-in-charge shall allow random surveillance sampling by the regulatory authority of the sushi rice for testing at any time to verify that the HACCP plan is being properly followed.
- 2. This variance does not extend to any other locations except for the one mentioned above. There shall no other food establishments in Indiana conducting this process by this company unless explicitly approved by the Indiana State Department of Health. The establishment must request and receive approval from the ISDH Food Protection Program prior to adding new Indiana locations to this variance.
 - 3. Hissho Sushi shall comply in all aspects of the 410 IAC 7-24, as determined by the local health department, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order
 - 4. This variance Order is limited to the current owner of the Hissho Sushi operation(s), Mr. Joe Hunsaker, or his designee, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
 - 5. This variance Order is limited to being in compliance with all other applicable state and local regulations.
 - 7. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 28th DAY OF JULY 2008.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.
STATE HEALTH COMMISSIONER

By: 
Loren Robertson, M.S., R.E.H.S.
Assistant Commissioner
Public Health and Preparedness Commission

cc: Allen County Health Department
ISDH Food Protection Program Staff